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In the part application of:)	Before the Examiner
Van Hoeck et al.)	Not yet known
Serial No. 10/775,546)	Group Art Unit
Filed February 10, 2004)	3738
INTERVERTEBRAL SPACER)	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. § 1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation forms. Copies of the items listed in these IDS forms are not being provided herewith pursuant to 37 C.F.R. §1.98(d) since they were previously submitted and considered in prior Patent Application Serial No. 10/201,549 filed on July 23, 2002, which is being relied upon for an earlier effective filing date under 35 USC §120.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

August 3, 2004

(Date of Deposit)

James B. Myers, Jr.

Name of Registered Representative

August 3, 2004

Date of Signature

4002-3480.JBM.264741 Atto4rney Docket 4002-3480

The filing of this Information Disclosure Statement (IDS) shall not be construed as an admission that the information cited is or is considered to be prior art or material to patentability as defined in § 1.56(b).

This Statement is being submitted under 37 CFR 1.97(b) before the occurrence of one or more of the following: (a) receipt of a First Office Action on the merits, (b) passage of three (3) months from the application filing date, or passage of three (3) months from the date entry of the national stage. Accordingly, it is believed that no fee is due. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:

James B. Myers Jr., Reg No. 42,52

Woodard, Emhardt, Moriarty, McNett & Henry LLP

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Indianapolis, IN 46204-5137

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	5,147,402 Sep. 15, 1992 Bohl	ler et al.			
	5,306,309 April 26, 1994 Wagn	ner et al.		April 1	
(3)	5,425,772 June 20, 1995 Bran	ntigan			
- 4	5,514,180 May 7, 1996 Hegg	geness et al.			
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P		5,443,515	08/22/95	Cohen et al				623	1.7	01/26/94	
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0	5,514,180	5/7/96		eness, et al.	623/17			
	5,609,635	3/11/97	Miche	elson	623/17			
	5,645,596	7/8/97	Phyo,	et al.	623/17			
	5,397,364	3/14/95	Kozal	k, et al.	623/17		: .	
	4,620,327	11/4/86	Capla	n, et al.	632/10			
	4,623,553	11/18/86	Ries,	et al.	427/2			· · · ·
	5,147,402	9/15/92	Bohle	er, et al.	623/16			
	5,282,861	2/1/94	Kapla	an	623/16			
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SERIAL NO. 4002-441/95:13°. 08/603,676 NFORMATION DISCLOSURE CITATION APPLICANT James Van Hoeck several sheets if necessary) **GROUP ART UNIT** FILING DATE 3308 February 20, 1996 U.S. PATENT DOCUMENTS **CLASS** SUB FILING DATE IF NAME DATE DOCUMENT -Examiner CLASS APPROPRIATE NUMBER Initial Ma et al 128 305 3,848,601 11/19/74 1.91 Patil 4,309,777 01/12/82 128 92 09/21/82 Kuntz 4,349,921 128 92 02/26/85 Bagby 4,501,269 523 115 Urist 07/02/85 4,526,909 623 16 06/24/86 Urist 4,596,574 623 17 07/08/86 Doty 4,599,086 17 623 Kenna 12/22/87 4,714,469 623 17 Brantigan -05/10/88 4,743,256 17 623 Buettner-Janx et al 4,759,766 0<u>7/26/88</u> IJ 623 ' 17 Ray et al 4,772,287 09/20/88 FOREIGN PATENT DOCUMENTS TRANSLATION CLASS SUB COUNTRY DOCUMENT DATE **CLASS** NUMBER No Yes Europe 0 179 695 Q4/30/86 PCT 01/11/90 WO 90/00037 PCT WO 92/14423 09/03/92 OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) The Anterior Approach for Removal of Ruptured Cervical Disks, Ralph B. Cloward, M.D., Honolulu Kawaii, Presented at the meeting of the Harvey Cushing Society, Wasington, D.C. 4/22/58 The Treatment of Certain Cervical-Spine Disorders by Anterior Peroval of the Intervertebral Disc and Interbody Fusion, Courge 1) V. Smith, M.D. Robert A. Robinson, M.D., The Journal of Bone and Joint Surgery Vol. 40-A, No. 3, June 1958. David J. Isabella DATE CONSIDERED **EXAMINER** Primary Examiner

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered, Include copy of this form with next communication to applicant.

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Healing Segmental Femoral Def	ects in S	Sheep L	sing Rec	embina	int			
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